

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kim, et al.

Application No.: 10/644,640

Filed: 8/20/2003

Title: Polyester Molding Composition

Attorney Docket No.: GEPL.P-125

Customer No.: 021121

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OCT 31 2005

Group Art Unit: 1712

Examiner: Jeffrey Robertson

Confirmation No.: 7530

Commissioner for Patents

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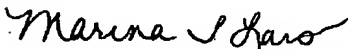
RESPONSE TO FINAL REJECTION

Dear Sir:

This is in response to the Office Action mailed September 21, 2005 for the above-captioned application. Reconsideration and further examination are respectfully requested.

The present application relates to a thermoplastic polyester resin composition. As defined in claim 1, the composition comprises an alkylene aryl polyester, a rubbery core shell impact modifier having defined characteristics, a difunctional epoxy compound, and a combination of three different and specific types of stabilizers. The stabilizers are identified in the claims as color enhancing stabilizers and have this affect in compositions where color change is visible, but are to be included regardless of the overall color of the material because of other benefits arising from the combination.

I hereby certify that this paper and any attachments named herein are transmitted to the United States Patent and Trademark Office, Fax number: 571-273-8300 on October 31, 2005.



Marina T. Larson, PTO Reg. No. 32,038

October 31, 2005

Date of Signature

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The Examiner has maintained the rejection of claims 1, 3, 4 and 9-20 under 35 USC § 103, as obvious over the combination of Gallucci '399, Gallucci '049 and Fromuth '487, and the rejection of claims 1-4 and 9-20 under 35 USC § 103 as obvious over the combination of Fromuth '487 and Gallucci '049. In the previous response, Applicants pointed out the unexpected results that are exemplified in the application for the specific combination of three stabilizers. The Examiner asserts that these arguments are not convincing for several reasons. Applicants respectfully disagree.

First, on Page 9 of the Official Action, the Examiner states that the evidence of unexpected results using three stabilizers is not persuasive "because in the comparative examples with two stabilizers instead of the required three stabilizers, the amount of total stabilizer is much less than the amount of stabilizer when all three stabilizer is present." The basis for this argument is not understood. Looking at the examples in Table 2, the total stabilizer weights and the individual stabilizer weight in comparative Example B (which contains MBS instead of a core shell polymer) are the same as in Example 1. Looking at Table 3 (page 24), the total stabilizer weight is the same, 0.6 %, in every instance, both for Example 2 and Comparative examples D-I. Thus, the basis for the Examiner's argument is not clear.

Second, the Examiner argues that the result in Table 1 where the impact modifier is changed is not unexpected because of the alleged teaching of Fromuth concerning specific advantages of core-shell impact modifiers. Fromuth states that acrylate-based core-shell impact modifiers have higher Tg values than butadiene core shell polymers, and therefore are suited for use a high temperature applications. Applicants' results, however, are unrelated to thermal stability, and instead demonstrate a synergistic relationship between the type of impact modifier and the combination of stabilizers that is not at all suggested by the teaching of Fromuth. Nothing in Fromuth suggests that this interaction would occur. The Examiner may not discount this observation simply because Fromuth teaches some other advantage to acrylate-based core-shell stabilizers.

The Examiner states that the comments in the first paragraph on Page 7 of the previously filed response are not persuasive because "it is not clear if the additional examples referred to by applicant are before the Examiner." Applicants direct the Examiner's attention to Example 2 in the specification, and to Table 3 as discussed above.

The Examiner states that Gallucci '399 "prefers combinations of the three named stabilizers." In making this statement, the Examiner has rejected Applicants' argument that there is nothing in the reference that points to any difference between combinations of any two of the stabilizers and the claimed combination of all three. The evidence in the application, however, shows that there is a significant difference, and that no combination of two stabilizers performs as well as any combination of two stabilizers. (Specification, Table 3). Any teaching of

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stabilizers in Fromuth is equally non-specific, and therefore does not suggest that the result of using three stabilizers as claimed would be observably different from any combination of two stabilizers.


As previously observed, Gallucci '399 does not expressly teach any combinations of color stabilizers. The examples all employ a single color stabilizer, although the patent discloses four materials, and states that these can be used individually or preferably in combination. Four materials, used individually or in combination, provide a total of 15 possibilities. Of these, only five (the four combinations of three and the one combination of all four) are within the scope of the present claims. Fromuth is even less specific since the possibility of combinations of stabilizers is not expressly mentioned.

Applicants respectfully submit that the Examiner has improperly used the claimed invention as a road map in arriving at an allegation of a suggestion of the claimed invention. A person of ordinary skill in the art would be presented with myriad possible choices based upon the references cited, and most of the possible combinations would be outside the scope of the present claims. Further many of the possible combinations would be comparable to Applicants' comparative examples which the evidence in the specification shows have different and less beneficial properties. Under these circumstances, Applicants submit that the rejection for obviousness is in error and should be withdrawn.

Claims 5-8 are rejected under 35 USC § 103 as obvious over the above-combinations of references further in view of Pixton (US 6,187,848). Pixton is cited for the disclosure of specific thioesters, but does not address the issues discussed above. Thus, this rejection should be withdrawn for the same reason.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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